

TRANSMITTAL LETTER			Case No. 56/327
Serial No. 09/365,118	Filing Date 30, 1999	Examiner Unassigned	Group Art Unit 2877
Inventor(s) Dieter Michel et al.			
Title of Invention ROTARY POSITION MEASURING SYSTEM			

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Transmitted herewith is Information Disclosure Statement and Copies of Fifteen (15) Cited References; Form 1449, and post card.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☐ Petition for a _____ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity	
Rate	Add'l Fee
x \$9 =	
x 39 =	
+ \$130 =	
Total add'l fee	\$

Other Than Small Entity	
Rate	Add'l Fee
x \$18 =	
x \$78 =	
+ \$260 =	
total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
- ☒ The Assistant Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

John C. Freeman
John C. Freeman
Registration No. 34,483
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Assistant Commissioner for Patents, Washington, D.C. 20237, on September 10, 1999.

Date: September 10, 1999 Signature: *John C. Freeman*

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TC 2800 MAIL ROOM

CP2877

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 10, 1999.

Name of Registered Representative:

John C. Freeman, Reg. No. 34,483

September 10, 1999
Date of Signature



PATENT
CASE NO. 56/327

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)

Dieter Michel et al.)

Serial No.: 09/365,118)

Filed: July 30, 1999)

For: ROTARY POSITION)
MEASURING SYSTEM)

Group Art Unit: 2877

Examiner: unassigned

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following references for consideration by the Examiner. Copies of the references are enclosed along with a completed copy of Form PTO-1449.

I. DISCLOSURE

A. U.S. Patents

<u>Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
4,156,137	Nelle	05/22/79

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<u>Patent N.</u>	<u>Inventor</u>	<u>Issue Date</u>
4,171,160	Ernst	10/16/79
4,243,325	Ernst	01/06/81
4,423,958	Schmitt	01/03/84
4,495,700	Ernst	01/29/85
4,530,155	Burkhardt et al.	07/23/85
4,530,159	Ernst	07/23/85
4,616,131	Burkhardt	10/07/86
4,700,062	Ernst	10/13/87
4,776,701	Pettigrew	10/11/88
5,493,399	Meyer et al.	02/20/96
5,716,679	Krug et al.	02/10/98

B. Foreign Patents

<u>Reference No.</u>	<u>Country</u>	<u>Pub. Date</u>
0 163 362	EPO	12/04/85
WO 93/06508	WIPO	04/01/93

C. Literature

1. “Langen in der Ultraprazisionstechnik messen [Length measuring in Ultra-Precision Technology,” by A. Spiess, *Feinwerktechnik & Messtechnik* 98 [Precision Mechanics & Measuring Technology 98], vol. 10, pp. 406-410 (1990).

D. Pending Patent Applications Assigned To Dr. Johannes Heidenhain GmbH

<u>Applicati n No.</u>	<u>Inventor</u>	<u>Filing Date</u>
09/286,404	Mitterreiter	04/05/99
09/354,047	Mitterreiter	07/15/99

II. DISCUSSION

A. European Reference No. 0 163 362

It is believed that U.S. Patent No. 4,776,701 corresponds to the '362 patent reference.

B. WIPO Patent Reference WO 93/06508

The pertinence of the '508 patent reference is discussed at page 19 of the Applicants' specification. It is believed that U.S. Patent No. 5,716,679 corresponds to the '508 patent reference.

C. Spiess Article

The pertinence of the Spiess article is discussed at page 1 of the Applicants' specification.

III. CONCLUSION

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicants wish to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to

see. Applicants therefore request that the Examiner review the entire disclosure of each reference and make the above-listed references of record. Applicants also invite the Examiner to review and make of record the cited Heidenhain patent applications and the art cited therein.

Respectfully submitted,



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Attorney for Applicants

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Dated: September 10, 1999